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## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 10, 2006

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203  
US

Dear Sir/Madam,

Your refund request for 09914460 in the amount of \$450.00 has been denied .

The extension of time was needed because you did not answer the 11/8 office action timely.

Sincerely,

ELEANOR KURTZ  
Technical Center Others  
703 308-9010 x177



UNITED STATES PATENT AND TRADEMARK OFFICE

09914460  
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11-8-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*Marcia Gordon*  
Legal Instruments Examiner (LIE)

**ATTENTION ATTENTION ATTENTION**

**Method of Refund:**

☐ ACH/EFT

☐ Credit Card

☒ Deposit Account # 14-1140

☐ Treasury Check

Patent/TM/App/Serial # 09/914,460

Program Area Dech Center 2623

Date Processed 2/21/2006

**ATTENTION ATTENTION ATTENTION**

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DEPREF



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

BRADY et al

Serial No. 09/914,460

Filed: October 11, 2001

For: X-RAY IMAGE PROCESSING

Atty. Ref.: 117-364

TC/A.U.: 2625

Examiner: B. Choobin

\* \* \* \* \*

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 10, 2006

Sir:

**REQUEST FOR REFUND**

The November 2005 Deposit Account Statement for Deposit Account No. 14-1140 shows a \$450.00 charge for a two-month extension fee (Fee Code 1252) for application no. 09/914,460, filed on October 11, 2001. Applicant submits that this charge is erroneous and requests a refund.

A Resubmission of Preliminary Amendment was filed on April 27, 2005. Because this was a Preliminary Amendment, no fee or extension of time is believed to be associated with this filing. Accordingly, the charge of \$450.00 on the November 2005 to Deposit Account 14-1140 for a two-month extension of time is believed to be erroneous.

**BEST AVAILABLE COPY**


BRADY et al  
Serial No. 09/914,460

Accordingly, a refund of \$450.00 to Deposit Account No. 14-1140 is appropriate and is respectfully requested. For this purpose a duplicate copy of this paper is enclosed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

  
Michael J. Shea  
Reg. No. 34,725

MJS:dbp  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100



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